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Counsel for Defendant MARTINEZ-URIBE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Case No.: CR 09-00421 RMW

Plaintiff,

V.

MIGUEL ANGEL MARTINEZ-URIBE,
aka Ricardo Castro,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
|| ORDER**

Defendant.

Honorable Ronald M. Whyte

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, July 27, 2009 at 9:00 a.m., be continued to Monday, August 17, 2009, at 9:00 a.m. The continuance is requested to allow time for effective defense preparation and investigation.

The parties further agree that time should be excluded under the Speedy Trial Act because the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense

STIP. TO CONTINUE;
[] ORDER
No. CR 09-00421 RMW

1 counsel reasonable time necessary for effective preparation, taking into account the exercise of due
2 diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this
3 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

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5 Dated: 7/21/09

/s/
6 LARA S. VENNARD
Assistant Federal Public Defender

7 Dated: 7/22/09

/s/
8 THOMAS O'CONNELL
Assistant United States Attorney

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10 **[] ORDER**

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The parties have jointly requested a continuance of the hearing set for Monday, July 27, 2009,
12 to allow time for effective defense preparation.

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GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently
14 set for Monday, July 27, 2009, be continued to Monday, August 17, 2009, at 9:00 a.m.

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Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
16 under the Speedy Trial Act from July 27, 2009 to August 17, 2009. The Court finds, based on the
17 aforementioned reasons, that the ends of justice served by granting the requested continuance
18 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
19 requested continuance would deny defense counsel reasonable time necessary for effective
20 preparation, taking into account the exercise of due diligence, and would result in a miscarriage of
21 justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.
22 §§ 3161(h)(8)(A) and (B)(iv).

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Dated: 8/12/09

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

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STIP. TO CONTINUE;
[] ORDER
No. CR 09-00421 RMW